MONTANA LEGISLATIVE HISTORY

Chapter 10 19 87

Bill H 106 S _____ Original bill & history ✓ C

H. Committee on State Admin			S. Committee on State Admin		
Hearing Date(s)	1/14	✓ C	Hearing Date(s)	1/29	✓ C
		C			C
		C			C
		C			C
Date Out		C			

Did this bill originate in an interim committee? ____ Yes ✓ No

Committee _____ Report _____

1/15 HEARING
2/18 COMMITTEE REPORT--BILL NOT PASSED
2/20 ADVERSE COMMITTEE REPORT ADOPTED 55 26

HB 105 INTRODUCED BY COBB
PROHIBITS USE OF FOUNDATION FUND FOR INTERSCHOLASTIC ATHLETIC COMPETITION

1/08 INTRODUCED
1/08 REFERRED TO EDUCATION & CULTURAL RESOURCES
1/08 FISCAL NOTE REQUESTED
1/14 FISCAL NOTE RECEIVED
1/19 HEARING
1/30 TABLED IN COMMITTEE

HB 106 INTRODUCED BY KADAS, ET AL.
ALLOW SCHOOL DISTRICTS TO CONDUCT MAIL BALLOT ELECTIONS

1/08 INTRODUCED
1/08 REFERRED TO STATE ADMINISTRATION
1/14 HEARING
1/14 COMMITTEE REPORT--BILL PASSED
1/17 2ND READING PASSED 88 8
1/19 3RD READING PASSED 85 15

TRANSMITTED TO SENATE
1/21 REFERRED TO STATE ADMINISTRATION
1/29 HEARING
1/29 COMMITTEE REPORT--BILL CONCURRED
2/02 2ND READING CONCURRED 49 0
2/04 3RD READING CONCURRED 44 6

RETURNED TO HOUSE
2/07 SIGNED BY SPEAKER
2/09 SIGNED BY PRESIDENT

2/09 TRANSMITTED TO GOVERNOR
2/13 SIGNED BY GOVERNOR
CHAPTER NUMBER 10 EFFECTIVE DATE: 10/01/87

HB 107 INTRODUCED BY WINSLOW, ET AL.
REPLACE POLITICAL PRACTICES COMMISSIONER WITH ETHICS & POLITICAL PRACTICES COMMISSION

1/08 INTRODUCED
1/08 REFERRED TO STATE ADMINISTRATION
1/08 FISCAL NOTE REQUESTED
1/14 HEARING
1/16 FISCAL NOTE RECEIVED
1/21 COMMITTEE REPORT--BILL NOT PASSED
1/22 REREFERRED TO STATE ADMINISTRATION
FAILED TO MEET TRANSMITTAL DEADLINE

HB 108 INTRODUCED BY SIMON
REPEALING LAWS RELATING TO THE CONTROL OF DUTCH ELM DISEASE
BY REQUEST OF LEGISLATIVE AUDIT COMMITTEE

1/08 INTRODUCED
1/08 REFERRED TO AGRICULTURE, LIVESTOCK & IRRIGATION
1/16 HEARING
1/16 COMMITTEE REPORT--BILL PASSED

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STATE ADMINISTRATION COMMITTEE

50TH LEGISLATIVE SESSION

1987

Committee Members	District
Rep. Walt Sales, Chairman	76
Rep. John Phillips, Vice Chairman	33
Rep. Bud Campbell	48
Rep. Dorothy Cody	20
Rep. Duane Compton	17
Rep. Gene DeMars	29
Rep. Harry Fritz	56
Rep. Harriet Hayne	10
Rep. Gay Holliday	31
Rep. Loren Jenkins	13
Rep. Janet Moore	65
Rep. Richard Nelson	6
Rep. Helen O'Connell	40
Rep. Mary Lou Peterson	1
Rep. Paul Pistoria	36
Rep. Rande Roth	96
Rep. Tonia Stratford	26
Rep. Timothy Whalen	93

Secretary

Betty DeYoung
Jeannie Johns

STATUS SHEET

50th LEGISLATIVE SESSION

St. Administration COMMITTEE

House BILL NUMBER	ENTERED COM. DATE	DATE CON-SIDERED	OUT OF COM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMENDED DATE	DO NOT PASS AS AMENDED DATE	BE CON-CURRED IN DATE	BE NOT CON-CURRED IN DATE	BE CON-CURRED IN AMENDED DATE	BE NOT CONCURRE IN AS AMENDED DATE
11	12/29/87	1/6/87	1/6/87								
15	12/29/87	1/9/87	1/9/87	to subcommittee							
18	12/29/87	1/7/87			1/7/87						
20	12/29/87	1/6/87		1/6/87							
27	12/29/87	1/6/87		1/6/87							
29	12/29/87	1/7/87	1/7/87	to subcommittee							
38	12/29/87	2/13/87									
43	12/29/87	1/9/87	1/9/87	to subcommittee							
50	1/2/87	1/9/87				1/8/87					
62	1/2/87	/18/87									
63	1/2/87	1/8/87		1/8/87							
100	1/7/87	1/13/87	1/14/87	tabled							
101	1/7/87	1/13/87			1/14/87						
106	1/09/87	1/14/87		1/14/87							

Use a separate sheet for Senate Bills, House Bills, and Resolutions.

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
50TH LEGISLATIVE SESSION
HOUSE OF REPRESENTATIVES

January 14, 1987

The meeting of the State Administration Committee was called to order by Chairman Sales on January 14, 1987, at 9:00 a.m. in Room 437 of the State Capitol.

ROLL CALL: All committee members were present.

CONSIDERATION OF HOUSE BILL NO. 106: Rep. Kadas, House District #65 in Missoula and sponsor of the bill, stated it is a straightforward bill that allows the school districts to use the mail ballot. The school business administrators asked him to present this bill to the committee.

PROPONENTS: Larry Johnson, Clerk and Business Manager for School District #1, stated he was requested to bring this legislation before the committee to inform them that the smaller school districts would like to be included in that procedure. The larger school districts might never use this procedure due to costs involved but it might be very cost effective for the smaller schools. This particular procedure can be initiated by an election administrator or by the governing body.

Marylin Miller from the Office of Public Instruction advised the committee members that Ed Argenbright, Superintendent of Public Instruction, supports this bill.

Margaret Davis, League of Women Voters, submitted written testimony in support of HB 106 (Exhibit #1). This legislation would apply to bond elections only and not candidate elections. Mail elections are a relatively new procedure nationwide but is an optimal way of holding an election.

OPPONENTS: None.

DISCUSSION OF HOUSE BILL NO. 106: Rep. Nelson asked Margaret Davis what effect the mail election would have on the 40 percent voter turnout requirement, and she responded that there might possibly be a problem in the smaller districts. Rep. Nelson asked if the 40 percent voter turnout requirement could be changed to read a "55 percent favorable vote of those who voted", and Margaret responded that would have a considerable impact.

Rep. Kadas closed the discussion by thanking the committee for its consideration.

CONSIDERATION OF HOUSE BILL NO. 132: Rep. Fritz, House District #56 and sponsor of the bill, stated this was a straightforward bill that allows people to buy some time in the Public Employees' Retirement System. It would allow people who have served in public employment

George Ochenski, Montana Environmental Information Center, spoke in opposition to HB 107 and indicated his appreciation to Rep. Winslow's attempts to "put the teeth into the ethics law". However, there are many weaknesses in the bill and he urged a do not pass.

DISCUSSION OF HOUSE BILL NO. 107: Rep. Cody asked Rep. Winslow if there could be constitutional problems with HB 107, and Rep. Winslow responded that that may be a problem. His solution to a possible constitutional problem would be that the republicans would choose three individuals and the democrats would choose three individuals and those names would be given to the governor for his appointment. Rep. Moore asked Rep. Winslow if reporting was mandatory, and he responded that disclosure was not. Rep. Fritz asked Rep. Winslow to explain what would happen on a 3-3 vote. Rep. Winslow said that not all issues are political issues. Rep. Moore asked if HB 107 would save some money and Rep. Winslow replied "not necessarily". The purpose of the bill is not to save money. He said we should be worried about ethics and not the fiscal implications. There is a direct tie between fiscal and ethical matters. Rep. Whalen directed a question to any opponent who wished to reply. He wondered what would happen if the system did not have a board of commissioners of three republicans and three democrats but instead was a position elected by the people on a nonpartisan ticket and was not under the executive branch of government. Margaret Davis replied that she thought that would take a constitutional amendment, but she did not feel it would be more efficient or expedient. Steve Brown commented that public financing probably would have to be set up because statewide campaigns are costly and would require taxpayer money.

Rep. Winslow closed discussion on HB 107 by stating he feels there are faults in the present system that can be made better and that is why he has submitted this bill to the committee for careful consideration.

The committee recessed at 10:34 a.m. and reconvened for executive session at 10:45.

DISPOSITION OF HOUSE BILL NO. 100: Chairman Sales asked the committee if it would approve of tabling the bill until the annual report is received. Rep. O'Connell moved to TABLE HB 100, and the motion was seconded by Rep. Jenkins. The vote was unanimous.

DISPOSITION OF HOUSE BILL NO. 106: Rep. Phillips moved DO PASS that was seconded by Rep. Moore. Rep. Nelson moved to amend page 2, line 19, to limit mail ballot elections to third-class school districts. The motion to amend the bill failed 5-13. The DO PASS motion on the bill passed by unanimous vote.

DISPOSITION OF HOUSE BILL NO. 101: Rep. Jenkins moved DO PASS; it was seconded by Rep. Roth. Rep. Whalen made a substitute motion DO NOT PASS which was seconded by Rep. Moore.

EXHIBIT #1
DATE Jan. 14, 1987
HB 106

WITNESS STATEMENT

NAME Margaret S. Davis BILL NO. HB106

ADDRESS 846 Flowerree, Helena Mt 59601 DATE 14 Jan 87

WHOM DO YOU REPRESENT? League of Women Voters of Mt

SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

Mail elections offer some good options to smaller jurisdictions which are required to hold annual elections.

As the option is expanded, the League of Women Voters offers these reminders or cautions.

1. The optional nature of mail elections is important
2. Mail elections require that the voter provide postage for the return of the ballot.
3. Mail elections are still being tested and close attention to further expansion is necessary so that they are not subject to abuse or manipulation.

CS-34

DAILY ROLL CALL

State Administration COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date Jan 14, 1987

NAME	PRESENT	ABSENT	EXCUSED
Walt Sales	✓		
John Phillips	✓		
Bud Campbell	✓		
Dorothy Cody	✓		
Duane Compton	✓		
Gene DeMars	✓		
Harry Fritz	✓		
Harriet Hayne	✓		
Gay Holliday	✓		
Loren Jenkins	✓		
Janet Moore	✓		
Richard Nelson	✓		
Helen O'Connell	✓		
Mary Lou Peterson	✓		
Paul Pistoria	✓		
Rande Roth	✓		
Tonia Stratford	✓		
Timothy Whalen	✓		

CS-30

STANDING COMMITTEE REPORT

January 14 19 87

Mr. Speaker: We, the committee on STATE ADMINISTRATION

report HB 106

☒ do pass
☐ do not pass

☐ be concurred in
☐ be not concurred in

☐ as amended
☐ statement of intent attached

Chairman

DRS reading copy (color)

Motion dies

ROLL CALL VOTE

State Administration COMMITTEE

DATE Jan 14, 1987 BILL NO. 106 NUMBER

NAME	AYE	NAY
Walt Sales		
John Phillips		
Bud Campbell		
Dorothy Cody		
Duane Compton		
Gene DeMars		
Harry Fritz		
Harriet Hayne		
Gay Holliday		
Loren Jenkins		
Janet Moore		
Richard Nelson		
Helen O'Connell		
Mary Lou Peterson		
Paul Pistoria		
Rande Roth		
Tonia Stratford		
Timothy Whalen		

TALLY ____ ____

Secretary Chairman

MOTION:

Form CS-31
Rev. 1985

VISITORS' REGISTER

STATE ADMINISTRATION COMMITTEE

BILL NO. 106 DATE Jan. 14, 1987

SPONSOR Kehoe

NAME (please print)	REPRESENTING	SUPPORT	OP
Margaret Davis	League of Women Voters	X	
Larry B. Johnson	MASBO	X	
Eric Feaver	MEA		
Mike Kadas	HB 55	i	
Marilyn Miller	Office of Public Instruction	i	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMEN

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

SENATE

STATE ADMINISTRATION

COMMITTEE

50th LEGISLATIVE SESSION

1987

COMMITTEE MEMBERS:

SENATOR JACK HAFFEY, Chairman

SENATOR WILLIAM FARRELL, Vice-Chairman

SENATOR LES HIRSCH

SENATOR JOHN ANDERSON

SENATOR J. D. LYNCH

SENATOR ETHEL HARDING

SENATOR ELEANOR VAUGHN

SENATOR SAM HOFMAN

SENATOR HUBERT ABRAMS

SENATOR TOM RASMUSSEN

LEGISLATIVE STAFF COUNCIL:

EDDYE McCLURE

SECRETARY:

CAROL DUVAL

CHAIRMAN--SEN. JACK HAFFEY
NORMAL SCHEDULE==> SITE: ROOM 331 DAYS: MON THRU FRI TIME: 10:00 A.M.
SECRETARY-CAROL DUVAL

--BILL NO---	REFER DATE---	HEARING DATE---	CONSIDERATION DATES----------	COMMITTEE ACTION----------	REREFERRED TO COMM----	DATE OUT-
HB0011	1/12	1/15		CONCUR		1/15
MANUEL, REX			INTERIM STUDIES BY STATUTORILY CREATED COMMITTEES			
HB0027	1/12	1/15		CONCUR		1/15
SPAETH, GARY			ONE DEPARTMENT PERSON TO REVIEW ALL RULE PROPOSALS AND ADOPTIONS OF DEPT			
HB0029	3/16	3/25		CONCUR		3/25
BARDANOUVE, FRANCIS			MOVING STATE LAND RECORDS TO DEPARTMENT OF STATE LANDS			
HB0050	1/13	1/16		CONCUR		1/16
COBB, JOHN			CLARIFICATION OF FIRE SERVICES TRAINING SCHOOL LAWS			
HB0063	1/12	1/15		CONCUR		1/15
HANSON, MARIAN			REMOVE WAITING PERIOD FOR MARRIAGE LICENSES			
HB0106	1/21	1/29		CONCUR		1/29
KADAS, MIKE			ALLOW SCHOOL DISTRICTS TO CONDUCT MAIL BALLOT ELECTIONS			
HB0109	1/26	1/30		CONCUR		1/30
SWYSGOOD, CHUCK			REQUIRE CO. CANVASS BRD TO APPLY FOR CRT ORDER FOR RECOUNT WHEN ERROR FOUND			
HB0132	1/21	1/28		CONCUR		1/28
FRITZ, HARRY			PERMIT PERS MEMBER TO QUALIFY OUT-OF-STATE EMPLOYMENT AS CREDITABLE SERVICE			
HB0140	1/22	1/28		CONCUR		1/28
BARDANOUVE, FRANCIS			REPEAL MANDATORY RETIREMENT PROVISION CONCERNING JUDGES			
HB0153	1/22	1/28		CONCUR		1/28
BARDANOUVE, FRANCIS			VESTING OF POLICE AND FIREMEN RETIREMENT BENEFITS AT TERMINATION OF SYSTEMS			
HB0158	1/22	1/28	2/06	CONCUR	STATE ADMIN.	1/29
NATHE, DENNIS			PERMIT MEMBER OF SHERIFFS' RETIREMENT SYSTEM TO QUALIFY MILITARY SERVICE			

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

January 29, 1987

The sixteenth meeting of the State Administration Committee was called to order by Chairman Jack Haffey at 10 a.m. in Room 331 of the State Capitol.

ROLL CALL: All committee members were present.

The hearing was opened on House Bill 106.

CONSIDERATION OF HOUSE BILL 106: Representative Mike Kadas, House District 55, Missoula, is the sponsor of this bill entitled, "AN ACT TO AUTHORIZE SCHOOL DISTRICTS TO CONDUCT MAIL BALLOT ELECTIONS; AND AMENDING SECTIONS 13-9-102 AND 13-19-104, MCA." This bill would enable school districts to conduct mail ballot elections. Under current law, school districts were not included among the political subdivisions allowed to conduct elections by mail ballot. He noted those who have used this type of election in the past biennium have had a very high voter response. The bill had been requested by the business managers of the school districts. He added it would be very helpful to smaller school districts especially and be much less expensive.

PROPONENTS: There were none.

OPPONENTS: There were none.

QUESTIONS ON HOUSE BILL 106: Senator Hofman asked how such a process is implemented and was told the school district sends out a letter with the ballot to all eligible voters, the voter then fills out the ballot and mails it back and the results are tabulated. Senator Vaughn noted that in the smaller, rural school districts it is a much less expensive method of conducting an election and with much better returns.

Rep. Kadas then CLOSED on House Bill 106.

EXECUTIVE ACTION ON HOUSE BILL 106: Senator Lynch MOVED that HOUSE BILL 106 BE CONCURRED IN. Senator Abrams seconded the motion. The motion passed unanimously. Senator Vaughn will carry the bill on the Senate floor.

The hearing was opened on House Joint Resolution 2.

ROLL CALL

SENATE STATE ADMINISTRATION COMMITTEE

50th LEGISLATIVE SESSION -- 1987 Date 1/29/87

NAME	PRESENT	ABSENT	EXCUSED
SENATOR JACK HAFFEY	X		
SENATOR WILLIAM FARRELL	X		
SENATOR LES HIRSCH	X		
SENATOR JOHN ANDERSON	X		
SENATOR J. D. LYNCH	X		
SENATOR ETHEL HARDING	X		
SENATOR ELEANOR VAUGHN	X		
SENATOR SAM HOFMAN	X		
SENATOR HUBERT ABRAMS	X		
SENATOR TOM RASMUSSEN	X		

Each day attach to minutes.

STANDING COMMITTEE REPORT

JANUARY 29 87

..... 19.....

MR. PRESIDENT

SENATE STATE ADMINISTRATION

We, your committee on .....

having had under consideration ..... HOUSE BILL ..... No. 106 .....

third blue

reading copy (color)

ALLOW SCHOOL DISTRICTS TO CONDUCT MAIL BALLOT ELECTIONS

Kadas (Lynch)

HOUSE BILL 106

Respectfully report as follows: That ..... No. .....

BE CONCURRED IN

~~XXXXXX~~ DO PASS

~~XXXXXXXXX~~ DO NOT PASS

SENATOR JACK HAFFEY .....

Chairman.

HOUSE BILL NO. 106

INTRODUCED BY KADAS, PECK, BACHINI, EUDAILY

IN THE HOUSE

NUARY 8, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
NUARY 14, 1987	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
NUARY 15, 1987	PRINTING REPORT.
NUARY 17, 1987	SECOND READING, DO PASS.
NUARY 19, 1987	ENGROSSING REPORT.
	THIRD READING, PASSED.
	TRANSMITTED TO SENATE.

IN THE SENATE

NUARY 21, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
NUARY 29, 1987	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
BRUARY 2, 1987	SECOND READING, CONCURRED IN.
BRUARY 4, 1987	THIRD READING, CONCURRED IN. AYES, 44; NOES, 6.
	RETURNED TO HOUSE.

IN THE HOUSE

BRUARY 5, 1987	RECEIVED FROM SENATE.
	SENT TO ENROLLING.

HB BILL NO. 106

INTRODUCED BY Kadas Cook Eudaily

A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE SCHOOL DISTRICTS TO CONDUCT MAIL BALLOT ELECTIONS; AND AMENDING SECTIONS 13-19-102 AND 13-19-104, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 13-19-102, MCA, is amended to read:

"13-19-102. Definitions. As used in this chapter, the following definitions apply:

(1) "Election day" is the date established by law on which a particular election would be held if that election were being conducted by means other than a mail ballot election.

(2) "Mail ballot election" means any election that involves either candidates or ballot issues and is conducted in compliance with the procedure specified in 13-19-106.

(3) "Political subdivision" means a political subdivision of the state, including a school district.

~~(3)~~(4) "Return/verification envelope" means an envelope that contains a secrecy envelope and ballot and which is designed to:

(a) allow election officials, upon examination of the outside of the envelope, to determine that the ballot is being submitted by someone who is in fact a qualified elector and who has not already voted; and

(b) allow it to be used in the United States mail.

~~(4)~~(5) "Secrecy envelope" means an envelope used to contain the elector's ballot and that is designed to conceal the elector's vote and to prevent that elector's ballot from being distinguished from the ballots of other electors."

Section 2. Section 13-19-104, MCA, is amended to read:

"13-19-104. Mail ballot elections not mandatory -- when authorized -- when prohibited. (1) Conducting elections by mail ballot is only one option available to local officials and nothing in this chapter mandates that the procedure be used.

(2) The following elections may be conducted by mail ballot:

(a) an election in a political subdivision required to hold annual elections under 13-1-104(3)~~, other than a school district~~;

(b) an election in a city of the third class, as defined in 7-1-4111(3), if all of the candidates whose names will appear on the ballot are candidates for offices to be elected without party designation;

(c) an election in a town as defined in 7-1-4111(4);

(d) an election conducted under 7-13-2236 in an unincorporated area; and

INTRODUCED BILL
HB 106

(e) a special election called by a local government unit for the sole purpose of submitting one or more ballot issues to its qualified electors if such special election is not held in conjunction with a statutorily scheduled election.

(3) The following elections may not be conducted by mail ballot:

(a) an election held for one of the purposes or at the time provided in 13-1-104(1) and 13-1-107(1);

(b) an election held for one of the purposes or at the time provided in 13-1-104(2) and 13-1-107(2), except as specifically allowed by subsections (2)(b) and (2)(c) of this section;

~~(c) an election for any purpose conducted by or on behalf of a school district;~~

~~(d)~~(c) an election being held under the provisions of the Montana Recall Act, in Title 2, chapter 16, part 6;

~~(e)~~(d) an election involving candidates for public office, except as specifically allowed by subsections (2)(a) through (2)(c) of this section; and

~~(f)~~(e) a special election being held in conjunction with a statutorily scheduled election."

-End-